IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.5249 of 2004

Shmt Shahajadhi Chandesha Umer & ors.Petitioners
vs
The Spl L A Officer No.l4 & ors..Respondents

Mr Atul P Vanarse for petitioners
Mr. D A Patil AGP for State
Mr.R M Pethe for Ketkar for respondent no.2 to 9

CORAM: S.U.KAMDAR J.
Dated 8.l2.2005

P.C:

l. This petition is challenging the order dated 26.6.200l passed by the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Tribunal, Mumbai. By the said order the appellate authority has upheld the order passed by the competent authority of compensation. The learned counsel for the petitioners has contended that while determining the compensation the competent authority has not followed the principles contained in section l7(5) read with clause 5 of the first schedule to the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, l97l for the purpose of determining the compensation. However, perusal of the order passed by the competent authority makes it clear that the computation which has been arrived at is on the basis of the provisions as contained in section l7

read with first schedule of the said Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act l97l. The appellate authority has found that the competent authority has computed the amount in accordance with the provisions laid down under section l7(4) of the said Act. However, the learned counsel for the petitioner thereafter contends that the figure which has been arrived i.e. market rent is too low and therefore the matter should be reconsidered. It is not possible for this court to determine the market rent for the first time in writ jurisdiction under Art 227 of the Constitution. The authorities below while fixing the compensation has followed the principles covered under section l7(5) and has arrived at determination of a particular figure. Same has been uphold by the tribunal. While considering the contention of the petitioner that the authorities have failed to calculate the market rent for the additional area acquired also, the tribunal has considered the said aspect and has given its finding in the impugned order and the same in my opinion does not require to be interfered with in exercise of writ jurisdiction.

. In that light of the matter I do not see any reason to interfere with the orders passed by the

authorities below and, therefore, the petition is dismissed with no order as to costs.